

REFERENCE TITLE: photo enforcement; DPS; signage

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1347

Introduced by
Senator Gould

AN ACT

AMENDING SECTIONS 28-654 AND 41-1722, ARIZONA REVISED STATUTES; RELATING TO PHOTO ENFORCEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 28-654, Arizona Revised Statutes, is amended to read:

28-654. Photo enforcement zones: signage: standards: citation dismissal

A. Except as provided in subsection F of this section, every local authority or agency of this state using a photo enforcement system shall adopt standards and specifications that indicate to a person operating a motor vehicle that a photo enforcement system is present and operational.

B. The standards and specifications adopted pursuant to subsection A of this section shall include both of the following:

1. At least two signs shall be placed in a location before a photo enforcement system. One sign shall be in a location that is approximately three hundred feet before the photo enforcement system. Placement of additional signs shall be more than three hundred feet before a photo enforcement system to provide reasonable notice to a person that a photo enforcement system is present and operational.

2. Signs indicating a photo enforcement system shall be removed or covered when the photo enforcement system is no longer present or not operating.

3. FOR A PHOTO ENFORCEMENT SYSTEM AUTHORIZED BY SECTION 41-1722:

(a) THE STANDARDS AND SPECIFICATIONS PRESCRIBED IN PARAGRAPHS 1 AND 2, EXCEPT THAT AN ADDITIONAL SIGN SHALL BE LOCATED ONE THOUSAND THREE HUNDRED TWENTY FEET BEFORE A PHOTO ENFORCEMENT SYSTEM.

(b) SIGNS STATING THE POSTED SPEED LIMIT AND A NOTICE THAT DRIVERS WILL NOT BE ISSUED CITATIONS OR NOTICES OF VIOLATION UNLESS THE DRIVERS ARE DRIVING AT LEAST ELEVEN MILES PER HOUR OVER THE POSTED SPEED LIMIT.

(c) A STANDARD SIZE SPEED LIMIT SIGN SHALL BE PLACED WITHIN SIX FEET OF EACH SIGN POSTED PURSUANT TO SUBDIVISION (a).

C. Signs erected by a local authority or agency of this state as prescribed in this section shall contain a yellow warning notice and correlate with and as far as possible conform to the system set forth in the most recent edition of the manual on uniform traffic control devices for streets and highways adopted by the director pursuant to section 28-641.

D. If the standards and specifications prescribed pursuant to this section are not in effect during the operation of a photo enforcement system, the court may dismiss any citation issued to a person who is identified by the use of the photo enforcement system.

E. During the time a vehicle containing photo enforcement equipment is being used to identify violators of this article and article 6 of this chapter, the rear of the vehicle shall be clearly marked to indicate that the vehicle is functioning as a photo enforcement vehicle. This subsection does not apply to a vehicle that does not contain a photo enforcement system and that is used by a law enforcement officer.

1 F. Subsection B of this section does not apply to a mobile photo
2 enforcement vehicle during the time a mobile photo enforcement vehicle is
3 deployed on streets with a posted speed limit of forty miles per hour or
4 less.

5 Sec. 2. Section 41-1722, Arizona Revised Statutes, is amended to read:

6 41-1722. State photo enforcement system: penalties: fund

7 A. Notwithstanding any other law, the department shall enter into a
8 contract or contracts with a private vendor or vendors pursuant to chapter 23
9 of this title to establish a state photo enforcement system consisting of
10 cameras placed throughout this state as determined by the director to enforce
11 the provisions of title 28, chapter 3, articles 3 and 6 relating to vehicle
12 traffic and speed. **A CITATION OR A NOTICE OF VIOLATION SHALL NOT BE ISSUED
13 PURSUANT TO THIS SUBSECTION FOR A VIOLATION OF TITLE 28, CHAPTER 3, ARTICLE
14 6, UNLESS THE VIOLATOR IS DRIVING AT LEAST ELEVEN MILES PER HOUR OVER THE
15 POSTED SPEED LIMIT AND THE STANDARDS AND SPECIFICATIONS PRESCRIBED PURSUANT
16 TO SECTION 28-654 ARE IN EFFECT DURING THE OPERATION OF THE PHOTO ENFORCEMENT
17 SYSTEM.**

18 B. Notwithstanding any other law, the civil penalty or fine for a
19 citation or a notice of violation issued pursuant to this section is one
20 hundred sixty-five dollars and is not subject to any surcharge except the
21 surcharge imposed by section 16-954. State photo enforcement citations shall
22 not be included in judicial productivity credit calculations for fiscal year
23 2008-2009.

24 C. The photo enforcement fund is established consisting of monies
25 received from citations or notices of violation issued pursuant to this
26 section. The director shall administer the fund. Monies in the fund are
27 subject to legislative appropriation and are appropriated to the department
28 for administrative and personnel costs of the state photo enforcement system.
29 Monies remaining in the fund in excess of two hundred fifty thousand dollars
30 at the end of each calendar quarter shall be deposited, pursuant to sections
31 35-146 and 35-147, in the state general fund.

32 D. Notwithstanding any other law, if a person is found responsible for
33 a civil traffic violation or a notice of violation pursuant to a citation
34 issued pursuant to this section, the department of transportation shall not
35 consider the violation for the purpose of determining whether the person's
36 driver license should be suspended or revoked. A court shall not transmit
37 abstracts of records of these violations to the department of transportation.